IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 14th day of September 2005
Bail application no. 822 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Ram Niwas
S/o Shri Sofi Ram
R/o Village Muana, Police Station Safida
District Jind (Hariyana) … Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of Case Crime No. 32 of 2005
Under Sections 307/34 I.P.C.
Police Station Vikasnagar
District Dehradun

By the court

Hon'ble B.C. Kandpal, J

The applicant has applied for bail in case crime No. 32 of 2005 under Sections 307/34 I.P.C., Police Station Vikasnagar, District Dehradun.

Heard Sri Lokendra Dobhal, learned counsel for the applicant, learned A.G.A. and perused the record.

As per the prosecution case one Sepoy sustained injury on the person during the course of the incident, but this witness in his cross-examination before the court has stated that he was hit by the rod of the barrier and this statement shows that the injury was not caused by the assault of the applicant.

Moreover, the applicant is a driver of the vehicle and learned A.G.A. could not show any criminal history of the applicant.

Having considered the aforesaid facts of the case, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant Ram Niwas be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

14.09.2005
ASWAL